



House of Representatives

File No. 809

General Assembly

January Session, 2015

(Reprint of File No. 627)

Substitute House Bill No. 6949
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 11, 2015

AN ACT CONCERNING CHILDHOOD VACCINATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 10-204a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2015*):

4 (a) Each local or regional board of education, or similar body
5 governing a nonpublic school or schools, shall require each child to be
6 protected by adequate immunization against diphtheria, pertussis,
7 tetanus, poliomyelitis, measles, mumps, rubella, hemophilus
8 influenzae type B and any other vaccine required by the schedule for
9 active immunization adopted pursuant to section 19a-7f before being
10 permitted to enroll in any program operated by a public or nonpublic
11 school under its jurisdiction. Before being permitted to enter seventh
12 grade, a child shall receive a second immunization against measles.
13 Any such child who (1) presents a certificate from a physician,
14 physician assistant, advanced practice registered nurse or local health
15 agency stating that initial immunizations have been given to such child

16 and additional immunizations are in process under guidelines and
17 schedules specified by the Commissioner of Public Health; or (2)
18 presents a certificate from a physician, physician assistant or advanced
19 practice registered nurse stating that in the opinion of such physician,
20 physician assistant or advanced practice registered nurse such
21 immunization is medically contraindicated because of the physical
22 condition of such child; or (3) presents a statement from the parents or
23 guardian of such child that such immunization would be contrary to
24 the religious beliefs of such child or the parents or guardian of such
25 child, which statement shall be acknowledged, in accordance with the
26 provisions of sections 1-32, 1-34 and 1-35, by (A) a judge of a court of
27 record or a family support magistrate, (B) a clerk or deputy clerk of a
28 court having a seal, (C) a town clerk, (D) a notary public, (E) a justice of
29 the peace, or (F) an attorney admitted to the bar of this state; or (4) in
30 the case of measles, mumps or rubella, presents a certificate from a
31 physician, physician assistant or advanced practice registered nurse or
32 from the director of health in such child's present or previous town of
33 residence, stating that the child has had a confirmed case of such
34 disease; or (5) in the case of hemophilus influenzae type B has passed
35 his fifth birthday; or (6) in the case of pertussis, has passed his sixth
36 birthday, shall be exempt from the appropriate provisions of this
37 section. If the parents or guardians of any [children] child are unable to
38 pay for such immunizations, the expense of such immunizations shall,
39 on the recommendations of such board of education, be paid by the
40 town. In order to remain enrolled in a program operated by a public or
41 nonpublic school, the parents or guardian of any child who is exempt
42 on religious grounds from the immunization requirements of this
43 section, pursuant to subdivision (3) of this subsection, shall annually
44 present to such school a statement that such immunization
45 requirements are contrary to the religious beliefs of such child or the
46 parents or guardian of such child, which statement shall be
47 acknowledged, in accordance with the provisions of sections 1-32, 1-34
48 and 1-35, by (A) a judge of a court of record or a family support
49 magistrate, (B) a clerk or deputy clerk of a court having a seal, (C) a
50 town clerk, (D) a notary public, (E) a justice of the peace, or (F) an

51 attorney admitted to the bar of this state.

52 Sec. 2. Subsection (a) of section 19a-79 of the general statutes is
53 repealed and the following is substituted in lieu thereof (*Effective July*
54 *1, 2015*):

55 (a) The Commissioner of Early Childhood shall adopt regulations,
56 in accordance with the provisions of chapter 54, to carry out the
57 purposes of sections 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87,
58 inclusive, and to assure that child day care centers and group day care
59 homes shall meet the health, educational and social needs of children
60 utilizing such child day care centers and group day care homes. Such
61 regulations shall (1) specify that before being permitted to attend any
62 child day care center or group day care home, each child shall be
63 protected as age-appropriate by adequate immunization against
64 diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella,
65 hemophilus influenzae type B and any other vaccine required by the
66 schedule of active immunization adopted pursuant to section 19a-7f,
67 including appropriate exemptions for children for whom such
68 immunization is medically contraindicated and for children whose
69 parents [object] or guardian objects to such immunization on religious
70 grounds, and that any objection by parents or a guardian to
71 immunization of a child on religious grounds shall be accompanied by
72 a statement from such parents or guardian that such immunization
73 would be contrary to the religious beliefs of such child or the parents
74 or guardian of such child, which statement shall be acknowledged, in
75 accordance with the provisions of sections 1-32, 1-34 and 1-35, by (A) a
76 judge of a court of record or a family support magistrate, (B) a clerk or
77 deputy clerk of a court having a seal, (C) a town clerk, (D) a notary
78 public, (E) a justice of the peace, or (F) an attorney admitted to the bar
79 of this state, (2) specify conditions under which child day care center
80 directors and teachers and group day care home providers may
81 administer tests to monitor glucose levels in a child with diagnosed
82 diabetes mellitus, and administer medicinal preparations, including
83 controlled drugs specified in the regulations by the commissioner, to a
84 child receiving child day care services at such child day care center or

85 group day care home pursuant to the written order of a physician
86 licensed to practice medicine or a dentist licensed to practice dental
87 medicine in this or another state, or an advanced practice registered
88 nurse licensed to prescribe in accordance with section 20-94a, or a
89 physician assistant licensed to prescribe in accordance with section 20-
90 12d, and the written authorization of a parent or guardian of such
91 child, (3) specify that an operator of a child day care center or group
92 day care home, licensed before January 1, 1986, or an operator who
93 receives a license after January 1, 1986, for a facility licensed prior to
94 January 1, 1986, shall provide a minimum of thirty square feet per
95 child of total indoor usable space, free of furniture except that needed
96 for the children's purposes, exclusive of toilet rooms, bathrooms,
97 coatrooms, kitchens, halls, isolation room or other rooms used for
98 purposes other than the activities of the children, (4) specify that a
99 child day care center or group day care home licensed after January 1,
100 1986, shall provide thirty-five square feet per child of total indoor
101 usable space, (5) establish appropriate child day care center staffing
102 requirements for employees certified in cardiopulmonary resuscitation
103 by the American Red Cross, the American Heart Association, the
104 National Safety Council, American Safety and Health Institute or
105 Medic First Aid International, Inc., (6) specify that on and after January
106 1, 2003, a child day care center or group day care home (A) shall not
107 deny services to a child on the basis of a child's known or suspected
108 allergy or because a child has a prescription for an automatic prefilled
109 cartridge injector or similar automatic injectable equipment used to
110 treat an allergic reaction, or for injectable equipment used to
111 administer glucagon, (B) shall, not later than three weeks after such
112 child's enrollment in such a center or home, have staff trained in the
113 use of such equipment on-site during all hours when such a child is
114 on-site, (C) shall require such child's parent or guardian to provide the
115 injector or injectable equipment and a copy of the prescription for such
116 medication and injector or injectable equipment upon enrollment of
117 such child, and (D) shall require a parent or guardian enrolling such a
118 child to replace such medication and equipment prior to its expiration
119 date, (7) specify that on and after January 1, 2005, a child day care

120 center or group day care home (A) shall not deny services to a child on
121 the basis of a child's diagnosis of asthma or because a child has a
122 prescription for an inhalant medication to treat asthma, and (B) shall,
123 not later than three weeks after such child's enrollment in such a center
124 or home, have staff trained in the administration of such medication
125 on-site during all hours when such a child is on-site, and (8) establish
126 physical plant requirements for licensed child day care centers and
127 licensed group day care homes that exclusively serve school-age
128 children. When establishing such requirements, the Office of Early
129 Childhood shall give consideration to child day care centers and group
130 day care homes that are located in private or public school buildings.
131 With respect to this subdivision only, the commissioner shall
132 implement policies and procedures necessary to implement the
133 physical plant requirements established pursuant to this subdivision
134 while in the process of adopting such policies and procedures in
135 regulation form. Until replaced by policies and procedures
136 implemented pursuant to this subdivision, any physical plant
137 requirement specified in the office's regulations that is generally
138 applicable to child day care centers and group day care homes shall
139 continue to be applicable to such centers and group day care homes
140 that exclusively serve school-age children. The commissioner shall
141 print notice of the intent to adopt regulations pursuant to this
142 subdivision in the Connecticut Law Journal not later than twenty days
143 after the date of implementation of such policies and procedures.
144 Policies and procedures implemented pursuant to this subdivision
145 shall be valid until the time final regulations are adopted.

146 Sec. 3. Subsection (f) of section 19a-87b of the general statutes is
147 repealed and the following is substituted in lieu thereof (*Effective July*
148 *1, 2015*):

149 (f) The commissioner shall adopt regulations, in accordance with the
150 provisions of chapter 54, to assure that family day care homes, as
151 defined in section 19a-77, shall meet the health, educational and social
152 needs of children utilizing such homes. Such regulations shall ensure
153 that the family day care home is treated as a residence, and not an

154 institutional facility. Such regulations shall specify that each child be
155 protected as age-appropriate by adequate immunization against
156 diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella,
157 hemophilus influenzae type B and any other vaccine required by the
158 schedule of active immunization adopted pursuant to section 19a-7f.
159 Such regulations shall provide appropriate exemptions for children for
160 whom such immunization is medically contraindicated and for
161 children whose parents [object] or guardian objects to such
162 immunization on religious grounds and require that any such
163 objection be accompanied by a statement from such parents or
164 guardian that such immunization would be contrary to the religious
165 beliefs of such child or the parents or guardian of such child, which
166 statement shall be acknowledged, in accordance with the provisions of
167 sections 1-32, 1-34 and 1-35, by (1) a judge of a court of record or a
168 family support magistrate, (2) a clerk or deputy clerk of a court having
169 a seal, (3) a town clerk, (4) a notary public, (5) a justice of the peace, or
170 (6) an attorney admitted to the bar of this state. Such regulations shall
171 also specify conditions under which family day care home providers
172 may administer tests to monitor glucose levels in a child with
173 diagnosed diabetes mellitus, and administer medicinal preparations,
174 including controlled drugs specified in the regulations by the
175 commissioner, to a child receiving day care services at a family day
176 care home pursuant to a written order of a physician licensed to
177 practice medicine in this or another state, an advanced practice
178 registered nurse licensed to prescribe in accordance with section 20-94a
179 or a physician assistant licensed to prescribe in accordance with section
180 20-12d, and the written authorization of a parent or guardian of such
181 child. Such regulations shall specify appropriate standards for
182 extended care and intermittent short-term overnight care. The
183 commissioner shall inform each licensee, by way of a plain language
184 summary provided not later than sixty days after the regulation's
185 effective date, of any new or changed regulations adopted under this
186 subsection with which a licensee must comply.

187 Sec. 4. (NEW) (*Effective July 1, 2015*) In order to continue to receive

188 child day care services from the provider of child day care services, as
189 described in section 19a-77 of the general statutes, the parents or
190 guardian of any child who is exempt on religious grounds from the
191 immunization requirements prescribed in the department's regulations
192 pursuant to section 19a-79 of the general statutes, as amended by this
193 act, or 19a-87b of the general statutes, as amended by this act, shall
194 annually present to such provider a statement that such immunization
195 requirements are contrary to the religious beliefs of such child or the
196 parents or guardian of such child, which statement shall be
197 acknowledged, in accordance with the provisions of sections 1-32, 1-34
198 and 1-35 of the general statutes, by (1) a judge of a court of record or a
199 family support magistrate, (2) a clerk or deputy clerk of a court having
200 a seal, (3) a town clerk, (4) a notary public, (5) a justice of the peace, or
201 (6) an attorney admitted to the bar of this state.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2015</i>	10-204a(a)
Sec. 2	<i>July 1, 2015</i>	19a-79(a)
Sec. 3	<i>July 1, 2015</i>	19a-87b(f)
Sec. 4	<i>July 1, 2015</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes changes to the documentation requirements related to exempting children from certain immunizations and clarifies that the provisions of the bill apply to the parents or guardians of such children, which is not anticipated to result in a fiscal impact.

House "A" eliminates the word "notarized" and instead specifies various forms of acknowledgement, as well as makes other clarifying changes, which have no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6949 (as amended by House "A")******AN ACT CONCERNING CHILDHOOD VACCINATIONS.*****SUMMARY:**

Existing law exempts children from school immunization requirements (see BACKGROUND) if the child presents a statement from his or her parents or guardians that the immunization would be contrary to the child's religious beliefs. This bill additionally exempts children who present a statement that the immunization would be contrary to the parents' or guardians' religious beliefs. It requires any such statement to be officially acknowledged by a notary public, Connecticut-licensed attorney, judge, family support magistrate, court clerk or deputy clerk, town clerk, or justice of the peace.

The bill extends the above requirement to children attending child day care centers and group or family day care homes whose parents or guardians object to such immunization on religious grounds. (Existing Office of Early Childhood regulations require the submission of a religious exemption statement, but do not require it to be acknowledged.)

Under the bill, the child's parents or guardians must submit the religious exemption statement annually in order for the child to remain enrolled in a public or private school, child day care center, or group or family day care home.

The bill also makes technical and conforming changes.

*House Amendment "A" (1) exempts from school immunization requirements children who present a statement that the immunization would be contrary to the parents' or guardians' religious beliefs, (2)

requires all religious exemption statements to be acknowledged by specified legal authorities, instead of notarized; (3) requires parents or guardians to present the statement annually in order for the child to remain in school or a child day care facility, and (4) extends the religious exemption statement requirements to children attending family day care homes.

EFFECTIVE DATE: July 1, 2015

BACKGROUND

Childhood Immunization Requirements

By law, children attending (1) child day care centers, (2) group and family day care homes, and (3) public and private schools must be immunized against certain diseases, including:

1. Measles, Mumps, Rubella (preschool through grade 12);
2. Polio (preschool through grade 12);
3. Diphtheria, Tetanus, Pertussis (preschool through grade 12);
4. Hemophilus influenza B (under age 5);
5. Hepatitis B (preschool through grade 12);
6. Hepatitis A (preschool and kindergarten);
7. Chicken Pox (preschool through grade 12);
8. Influenza (preschool);
9. Pneumonia (under age 5); and
10. Meningitis (7th grade) (CGS §§ 10-204a, 19a-7f and Conn. Agencies Regs. §§ 10-204a et seq. and 19a-79-6a).

In addition to the above religious exemption, the law provides a medical exemption for children that document such immunization is medically contraindicated.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 23 Nay 4 (03/27/2015)